

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KEDRIC CRAWFORD,
PLAINTIFF,

V.

CITY OF BAYTOWN, ET AL.,
DEFENDANTS

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CASE NO: 4:20-cv-03003
JURY DEMANDED

MOTION FOR NEW TRIAL AND RECONSIDERATION OF THE
VOLUNTARY DISMISSAL OF CLAIMS AGAINST DEFENDANT TEDDY SIMS
PURSUANT TO RULE 41(a) (1)(A)(i) WITH PREJUDICE [Dkt. 38 & 39]

Plaintiff, Kedric Crawford ("Plaintiff") files Motion For New Trial And Reconsideration of the erroneous filing of the self-effectuating Motion for Voluntary Dismissal with prejudice under Federal Rule of Civil Procedure 41(a) (1)(A)(i) terminating Claims in the First Amended Complaint against Defendants, Teddy Sims, and City of Baytown with Prejudice. It was intended to be filed without prejudice and would the following:

1. Plaintiff is Kedric Crawford; Defendants are the City of Baytown, Teddy Sims, and John Doe.
2. On June 22, 2020, Plaintiff filed his Original Petition alleging causes of action against the Defendants as a result of Constitutional violations involving the wrongful arrest and excessive force against Plaintiff.
3. The defendant, the City of Baytown did not file an answer to the claims in the filed

Complaint in this case.

4. The defendant, Teddy Sims filed an answer to the claims in the filed Complaint in this case.

5. Plaintiff's intention was to dismiss his claims against the Defendants, Teddy Sims, and City of Baytown without prejudice.

6. Plaintiff's counsel conferred with defendant Teddy Sim's counsel to determine whether Sims would be unopposed to the Motion to Dismiss but received no response.

7. On February 28, 2021, Plaintiff erroneously filed the self-effectuating FRCP Rule 41(a)(1)(A)(i) voluntary dismissals with prejudice against Defendants City of Baytown and Teddy Sims intending to file without prejudice.

8. On March 3, 2021, Plaintiff amended the notices [Dkt 40 &41] and submitted a declaration clarifying the error that the Dkt 38 &39 Motions should be without prejudice. [Dkt.46].

Plaintiff is requesting the court grant new trial and reconsider the Motions to Dismiss with prejudice [Dkt 38 & 39] by setting the motions aside and recognize the FRCP Rule 41(a)(1)(A)(i) voluntary dismissal against The City of Baytown as one without prejudice as and the Motion Dismiss with Prejudice as to Teddy Sims be set aside and issue an order reflecting the same, and to allow Plaintiff to comply with the relevant parts of the March 15, 2021 court's order [Dkt. 66]

Respectfully submitted,
THE LEWIS LAW GROUP, PLLC.
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LEAD ATTORNEY FOR THE PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing instrument has been sent to all interested parties and counsel of record via the electronic filing system, email, first-class mail, or facsimile on this March 29, 2021.

/s/ U. A. Lewis
U.A. Lewis